



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

December 15, 2022

**BY ECF & EMAIL**

Honorable Jennifer L. Rochon  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: *United States v. David Carmona, et al.*, 22 Cr. 551 (JLR)**

Dear Judge Rochon:

The Government respectfully writes to update the Court regarding discovery in the above-referenced matter. At the initial pretrial conference in this matter, the Court ordered the Government to produce discovery no later than December 16, 2022 based on the Government's representations about the volume of discovery and the time the Government anticipated it would take to gather, organize, and produce that material. The Government anticipates having a significant collection of discovery available for production by early the week of December 19, 2022 that will be comprised of, among other things, warrants, subpoena returns, and other investigative records. This production alone is nearly 14 gigabytes of data.

The Government requires additional time, however, to prepare the substantial amount of electronic evidence gathered in this case from (1) warrant returns from approximately 11 email accounts and four iCloud accounts; (2) extractions of approximately 11 devices; and (3) records provided by the Securities and Exchange Commission and the Commodity Futures Trading Commission. These materials amount to approximately 1 terabyte (1000 gigabytes) of data, and do not account for devices that have been seized during the investigation but not yet unlocked. In addition, certain of these materials are hosted on a third-party document review platform and therefore will require working with the vendor to produce them. The vendor has a significant discovery backlog, which will cause delay.

In addition, the Government circulated to counsel a proposed protective order to govern discovery on December 13, 2022. The Government will present the proposed protective order to the Court once counsel have agreed to it.

Accordingly, the Government respectfully requests an additional 60 days to produce discovery. It is possible that the Government may have additional discovery to produce after this 60-day period both because the Government's investigation is ongoing and because certain discovery, like unlocked devices, may become available later in time. The Government has

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conferred with counsel to all of the defendants who have been presented in this District and none object to this extension of time to produce discovery.<sup>1</sup>

Thank you for your consideration of this matter.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By:



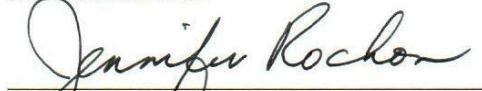
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Russ Kofman, Esq., counsel to David Brend (by ECF & email)  
Chad Kaser, Esq., counsel to Gustavo Rodriguez (by ECF & email)

Application GRANTED. The Government shall produce discovery no later than **February 13, 2023**.

Dated: December 15, 2022  
New York, New York

SO ORDERED

  
JENNIFER L. ROCHON  
United States District Judge

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<sup>1</sup> As the Court knows, Juan Arellano is expected to arrive in the District from California on or about December 21, 2022.